



4. **Major Legal Issues.** Defendants offer the issue of whether as a matter of law plaintiff can state a triable prima facie case or raise a genuine issue of fact on each material issue.

5. **Major Factual Issues.** Whether age motivated the plaintiff's termination under the direct or indirect method of proof; whether Defendants can articulate a legitimate, non-discriminatory reason for Plaintiff's termination such as plaintiff's improper off-label marketing of a prescription medical product; whether Plaintiff can prove that Defendant's articulated non-discriminatory reason for Plaintiff's termination is a pretext for age discrimination; whether Plaintiff has suffered any damages.

6. **Key Authorities for Plaintiff:** The plaintiff has not provided any authorities to the defendants.

7. **Key Authorities for Defendants:** Key authorities include, among others, Luks v. Baxter Healthcare Corp., 467 F.3d 1049 (7<sup>th</sup> Cir. 2006), cert. denied, 127 S. Ct. 2251 (2007); Lewis v. Ziker Cleaners, 182 Fed.Appx. 577 (7<sup>th</sup> Cir. 2006); Schultz v. Varian Medical Systems, Inc., 315 F. Supp. 2d 923 (N.D. Ill. 2004); Miller v. Administar Federal, Inc., 179 Fed.Appx. 967 (7<sup>th</sup> Cir. 2006); Kodl v. Board of Education, 490 F. 3d 558 (7<sup>th</sup> Cir. 2007); Mikicich v. Chicago Mercantile Exchange, Inc., 2006 WL 1519327 (N.D. Ill. 2006); Davico v. GSK, 2007 WL 2984014 (D. Or. 2007); Ramirez v. Boehringer Pharmaceuticals, 425 F.3d 67 (1<sup>st</sup> Cir. 2005).

#### **B. Draft Scheduling Order**

<b><u>Event</u></b>	<b><u>Date</u></b>
Joinder and Amendment of Pleadings	March 15, 2008
Close of Fact Discovery	May 30, 2008

Date assumes that written discovery is served shortly after the March 5 status conference and timely responded to, the plaintiff is deposed within weeks after responses to written discovery are provided, and the plaintiff does not intend to take any depositions.

Summary Judgment Motions Filed	June 30, 2008
Close of Expert Discovery (if needed)	July 30, 2008

Joint Pre-Trial Order 30 days after SJ motions decided

Final Pretrial Conference To be set by the Court

Trial To be set by the Court

The parties agree that documents and information provided by Defendants to Plaintiff which either contain personnel information relating to employees other than Plaintiff or contain business confidential information will be produced pursuant to an appropriate Protective Order.

C. **Trial Status.** Plaintiff has requested a Jury Trial in this case. If the case proceeds to trial, the parties estimate that the trial would take three days.

D. **Consent to Proceed Before A Magistrate Judge.** At this time, the parties have not jointly consented to proceed before a Magistrate Judge.

E. **Settlement Status.** The plaintiff and defense counsel have discussed plaintiff's settlement position in the context of her valuation of the case but the parties have not engaged in formal settlement talks.

Plaintiff has informed defense counsel's office that plaintiff is not able to sign electronically. Plaintiff has authorized the filing of this document as a Joint Initial Status Report.

Respectfully submitted,

PLAINTIFF JENNIFER BREVOORT

DEFENDANTS RELIANT  
PHARMACEUTICALS, INC. AND SMITHKLINE  
BEECHAM CORPORATION D/B/A  
GLAXOSMITHKLINE

By: /s/ Stephanie A. Scharf

Stephanie A. Scharf - Atty. No.: 06191616  
Joan E. Slavin – Atty. No.: 6207633  
Schoeman Updike Kaufman & Scharf  
333 W. Wacker Dr., Suite 300  
Chicago, IL 60606  
Telephone: (312) 726-6000  
Facsimile: (312) 726-6045  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I, Stephanie A. Scharf, an attorney, hereby certify that I caused the foregoing  
**Joint Initial Status Report** to be served on plaintiff identified below by first class mail,  
this 4th day of March, 2008.

Jennifer Brevoort  
22w502 Balsam Dr.  
Glen Ellyn, IL 60137

/s Stephanie A. Scharf  
Attorney for Reliant Pharmaceuticals, Inc.  
and SmithLline Beecham Corporation d/b/a  
GlaxoSmithKline

Stephanie A. Scharf - Atty. No.: 06191616  
Joan E. Slavin – Atty. No.: 6207633  
Schoeman Updike Kaufman & Scharf  
333 W. Wacker Dr., Suite 300  
Chicago, IL 60606  
Telephone: (312) 726-6000  
Facsimile: (312) 726-6045